IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SUO MOTU CONTEMPT PETITION NO.352 of 2002
IN
WRIT PETITION NO.1940 OF 2002

High Court on its own motion

vs.

The Special Land Acquisition Officer,
Solapur ...Respondent

Mr.C.R.Sonawane, A.G.P. for the Respondent.

CORAM: A.S.OKA,J.
DATE : MARCH 16,2007.

JUDGMENT:

1. Heard learned A.G.P. for the Respondent. In Writ Petition No.1940 of 2002, a Division Bench of this Court passed an order dated 16th August 2002 directing the fourth Respondent therein i.e. the Special Land Acquisition Officer, Solapur to remain present before the Division Bench on 26th August 2002 along with the relevant papers pertaining to the acquisition of the land of the Petitioners in the Petition. It appears that on 26th August 2002 the fourth Respondent in the Writ Petition did not appear. Therefore, by order dated 9th September 2002, the Division Bench directed that notice be issued to the fourth Respondent to show cause why he should not be proceeded with under the Contempt of Courts Act,1971 for non compliance with order dated 16th August 2002.

2. The learned A.G.P. states that the fourth Respondent in the writ Petition Shri Ashok Wamanrao Kakade is personally

present in the court. He has filed an Affidavit. It appears that now he is working as a Deputy Collector, Revenue, District Satara. In paragraph 2 of the Affidavit, he has stated that a copy of the order dated 16th August 2002 passed by the Division Bench of this Court was received by the office of the Collector, Solapur on 28th August 2002 along with the letter dated 17th August 2002 sent by the office of Additional Government Pleader, Writ Cell Branch, High Court, Appellate Side, Mumbai. A copy of the said letter is annexed to the Affidavit discloses that one copy of the said letter was received on 26th August 2002 and the other was received on 28th August 2002. Both the letters are received at Solapur.

3. Thus, till 26/28th August 2002 the concerned Respondent was not even aware that he was directed to remain present in this Court at Mumbai on 26th August 2002. As this is the reason for non appearance of the concerned Respondent, it cannot be said that he has committed any wilful or deliberate breach of the order passed by this Court. Hence, no action is called for. Notice issued to the concerned Respondent is discharged. Contempt Petition is disposed of.

4. If Writ Petition No.1940 of 2002 is still pending, office will place the same for admission before the appropriate Bench.

JUDGE